



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

☒ Specific Waiver

SUBJECT Request by Dunsmuir Joint Union High School District to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 28-2-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers of this type normally go to the State Board of Education Action Calendar, as there is a statutory basis for the denial recommendation.

Although this is an annual approval process, it is worth mentioning CDE recommended a denial of this district's same waiver request last year. However, prior to the board meeting, the request was withdrawn. The school district then tried to use the General Waiver process, which CDE told them they could not use since Specific Waiver authority takes precedent over General Waiver authority. The district withdrew their waiver request.

SUMMARY OF KEY ISSUES

Education Code (EC) Section 49550 states that each needy child who attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The following district has requested a waiver of EC Section 49550 for the summer of 2004, and has certified their compliance with all required conditions necessary to obtain a waiver.

EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met *at least two* of the following four criteria:

Criteria One:

- The summer school session is of less than four hours duration and is completed by noon, allowing pupils to go home during the lunch period.

Criteria Two:

- Less than 10 percent of needy pupils attending the summer school session are at the schoolsite for more than three hours per day.

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Criteria Three:

- A Summer Food Service Program for Children site is available within the school attendance area.

Criteria Four:

- Serving meals during the summer school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating costs.

Review of the waiver document indicates that Dunsmuir Joint Union High School District does not meet any of the four criteria outlined below:

- Although completed by noon, the school session is four hours;
- All children remain on-site for more than three hours and ;
- There is no Summer Food Service Program for children within the attendance area of the school site; and
- The district has not indicated that it will suffer a financial loss equal to one-third of the cafeteria balance or a loss equal to one months costs.

CDE staff contacted Mr. Robert Morris, Superintendent for the Dunsmuir Joint Union High School District. CDE staff left a detailed message explaining the waiver process and how each criteria was not being met. This message also gave Mr. Morris the opportunity to withdraw his waiver request and asked Mr. Morris to return the call. This phone message was followed up on February 20, 2004 with an e-mail message to Mr. Morris at: bmorris@sisnet.ssku.k12.ca.us. Follow-up contact was made on February 26th, March 3rd, March 10th, March 16th, and March 19th requesting a corrected waiver and the supporting documentation for each criteria the district met. These additional contacts were made both by e-mail and certified letter. Mr. Morris was given a final deadline of March 24, 2004 to file a corrected waiver. NSD has had no response from Mr. Morris or the district.

Authority for the Waiver: *Education Code (EC) Section 49548.*

Bargaining unit(s) consulted on date(s): Not required for summer school waivers.

Position of bargaining unit(s) (choose only one): Not required for summer school waivers.

☐

Neutral

☐

Support

☐

Oppose

Name of bargaining unit(s)/representative(s): Not required for summer school waivers.

Local board approval date(s): February 2, 2004

Period of request: June 21, 2004 - August 2, 2004